

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

261

CRM-M No.2885 of 2018

Date of Decision: May 8th, 2018

Jasvir Singh @ Honey and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Karanvir Singh, Advocate
for Mr. Ishaan Pasricha, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Sandeep Kumar, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 25.01.2018, when the case came up for hearing before this
Court, following order was passed:-

*Prayer in the present petition filed under Section 482
of the Cr.P.C. is for quashing of FIR No.47, dated
22.03.2017, registered under Sections 295, 323, 341, 506 of
the IPC, at Police Station Shimlapuri, District Police
Commissionerate Ludhiana (Annexure P-1) on the basis of a
compromise dated 30.03.2017 (Annexure P-2) arrived at
between the parties.*

Notice of motion.

*On the asking of the Court, Mr. Kuldeep Singh, Senior
Deputy Advocate General, Punjab, accepts notice on behalf
of respondent No.1. Mr.Sandeep Kumar, Advocate, accepts
notice on behalf of respondent No.2 and admits the
compromise (Annexure P-2). Counsel for the petitioners
undertakes that he will supply complete set of the petition to
the counsel opposite.*

*The parties are directed to appear before the Ilaqa
Magistrate/Trial Court at Ludhiana on 15.02.2018 for*

recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court. The Ilaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

To come up on 28.03.2018.

Copy of this order be sent to Ilaqa Magistrate/Trial Court concerned for information and compliance.

In pursuance to the said order passed by this Court, parties appeared before the learned Judicial Magistrate Ist Class, Ludhiana, on 15.02.2018 and got recorded their respective statements.

On the basis of the said statements, report dated 26.03.2018 has been submitted by the learned Judicial Magistrate Ist Class, Ludhiana, wherein it has been concluded that the compromise arrived at between the parties is voluntary, *bona fide* and is not a result of any pressure or coercion etc. in any manner. It is a valid and genuine compromise entered into between the parties.

In the light of the report of the Judicial Magistrate Ist Class, Ludhiana, referred to above, counsel for the petitioners as also counsel for the respondent No.2-complainant, pray that the present petition may be allowed.

Counsel for the complainant states that the complainant still stands by the compromise and has no objection if the FIR in question which was registered at the behest of the complainant is quashed as he does not want to further pursue the same because of the compromise.

Keeping in view the report submitted by Judicial Magistrate Ist Class, Ludhiana, and in view of the fact that the complainant has no objection to the quashing of the FIR as also keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.47, dated 22.03.2017, registered under Sections 295, 323, 341, 506 of the IPC, at Police Station Shimlapuri, District Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 8th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No